

1 **Rule 10A NCAC 26E .0406 is proposed for amendment via temporary procedures as follows.**

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3 **10A NCAC 26E .0406 DISPOSAL OF UNUSED CONTROLLED SUBSTANCES FROM NURSING**
4 **HOME**

5 Controlled substances dispensed for inpatient administration to individuals residing in ~~to~~ a licensed nursing home
6 which for any reason are unused shall be returned to the pharmacy from which they were received. The pharmacist
7 who receives these controlled substances shall return them to ~~his~~their stock or dispose of and destroy them in
8 accordance with ~~the procedure outlined by the director and~~21 CFR 1317.05(a). ~~The pharmacist~~ shall keep a record
9 of ~~this~~the disposal and destruction of unused controlled substances available for a minimum of two years. This
10 record of disposal and destruction shall be kept on the Division form entitled "~~Controlled~~ Record of Ultimate User
11 Controlled Substances Destroyed".~~Destruction Record Nursing Homes.~~ Controlled substances returned to stock
12 must be in a hermetically sealed container or in an otherwise pure uncontaminated condition and be identifiable. A
13 pharmacist may outsource destruction of the unused controlled substances to a reverse distributor in accordance with
14 21 CFR 1317.05(a)(2), provided the pharmacist must first verify the vendor is registered with the DEA as a reverse
15 distributor and maintains compliance with all applicable federal and State laws and regulations governing reverse
16 distributors and destruction of unused controlled substances. Compliance with this rule is subject to audit by the
17 Director or their designated representative.

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19 *History Note: Authority G.S. 90-100; ~~143B-210(9);143B-147;~~*
20 *Eff. June 30, 1978;*
21 *Amended Eff. September 15, 1980; May 15, 1979;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
23 *~~2016-2016;~~*
24 *Emergency Amendment Eff. September 30, 2024;*
25 *Temporary Amendment Eff.*